

TITLE 4. PROFESSIONS AND OCCUPATIONS**CHAPTER 15. BOARD OF MASSAGE THERAPY**

Editor's Note: 4 A.A.C. 15 made by final rulemaking at 10 A.A.R. 2668, effective June 8, 2004 (Supp. 04-2). This Chapter formerly contained the rules for the Department of Liquor Licenses and Control before being recodified to 19 A.A.C. 1 in 1995 (Supp. 04-2).

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Section

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ARTICLE 1. GENERAL PROVISIONS

Article 1, consisting of R4-15-101 and R4-15-102, made by final rulemaking at 10 A.A.R. 2668, effective June 8, 2004 (Supp. 04-2).

R4-15-101. Definitions

In addition to the definitions in A.R.S. § 32-4201, in this Chapter:

1. "Accredited" means approved by the:
 - a. New England Association of Schools and Colleges,
 - b. Middle States Association of Colleges and Secondary Schools,
 - c. North Central Association of Colleges and Schools,
 - d. Northwest Association of Schools and Colleges,
 - e. Southern Association of Colleges and Schools,
 - f. Western Association of Schools and Colleges,
 - g. National Commission for Certifying Agencies, or
 - h. Commission on Massage Therapy Accreditation.
2. "Applicant" means an individual requesting a regular, provisional, temporary, renewal, or reciprocity license from the Board.

3. "Application packet" means the documents, forms, fees, and additional information required by the Board of an applicant.
4. "Board-approved school" means the same as "Board recognized school" in A.R.S. § 32-4201.
5. "Continuing education" means a workshop, seminar, lecture, conference, class, or instruction related to massage therapy.
6. "Correspondence" or "distance learning format" means the instructor of a continuing education and the individual receiving the instruction are not located in the same room in which the continuing education is being provided.
7. "Hour" or "classroom hour" means a minimum of 50 minutes.
8. "Day" means calendar day.
9. "General equivalency diploma" means:
 - a. A document issued by the Arizona Department of Education under A.R.S. § 15-702 to an individual who passes a general educational development test or meets the requirements of A.R.S. § 15-702(B),
 - b. A document issued by a state other than this state to an individual who passes a general educational development test or meets the requirements of a state statute equivalent to A.R.S. § 15-702(B), or
 - c. A document issued by a country other than the United States to an individual who has completed that country's equivalent of a 12th grade education as determined by the Board based upon information obtained from American or foreign consulates or embassies or other governmental entities.
10. "Good moral character" means an applicant:
 - a. Has not, within the five years before the date of the application, been convicted of a felony or an offense involving moral turpitude or prostitution, solicitation, or other similar offense;
 - b. Has not, within five years before the date of the application, been convicted of an act involving dishonesty, fraud, misrepresentation, gross negligence, or incompetence or is not currently incarcerated or on community supervision after a period of incarceration in a local, state, or federal penal institution for such an act;
 - c. Has not, within five years before the date of the application, had a professional license revoked or suspended by this state, a political subdivision of this state, or a regulatory board in another jurisdiction in the United States, or voluntarily surrendered a professional license in lieu of disciplinary action;
 - d. Has not, within five years before the date of the application, had a massage therapy certification revoked or suspended by a national massage therapy certifying agency; and
11. "License" means written authorization issued by the Board to engage in the practice of massage therapy in Arizona.
12. "Massage therapy student" means an individual receiving instruction in massage therapy or bodywork therapy at a Board-approved school.
13. "NCBTMB" means National Certification Board for Therapeutic Massage and Bodywork, the body that is accredited by the National Commission for Certifying

Agencies and provides examinations of and certifies individuals in massage therapy and bodywork.

14. "National massage therapy certificate number" means a unique identification number issued by the NCBTMB.
15. "Provisional license" means an approval issued by the Board to an applicant who meets the requirements in A.R.S. § 32-4222(A) and (C), and this Chapter.
16. "Regular license" means an approval issued by the Board to an applicant who meets the requirements in A.R.S. § 32-4222(A) and (B), and this Chapter.
17. "Practice of massage therapy" means the same as in A.R.S. § 32-4201.
18. "Self-supportive as a massage therapist" means that an individual has reported income to the Arizona Department of Revenue that was derived from the performance of services that would fall within the scope of the practice of massage therapy under A.R.S. § 32-4201 each year from December 31, 1992 until December 31, 2004.
19. "Supervised instruction" means the massage therapist responsible for a massage therapy student at a Board-approved school:
 - a. Is present at the location where the massage therapy student is performing massage therapy as part of the massage therapy student's education,
 - b. Is immediately available for consultation, and
 - c. Evaluates the performance of the massage therapy student.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 2668, effective June 8, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 2759, effective September 9, 2006 (Supp. 06-3).

R4-15-102. Fees

- A. The Board shall charge the following fees that are nonrefundable, unless A.R.S. § 41-1077 applies:
 1. Application for a license, \$195;
 2. Reinstatement of a license, \$125;
 3. Duplicate license, \$25;
 4. License renewal, \$95; and
 5. Delinquent renewal of a license, \$40.
- B. The Board shall charge 25 cents per page for copying records, documents, letters, minutes, applications, and files.
- C. An applicant shall pay an original license application fee or a fee for which a previous check was returned for insufficient funds in cash, cashier's check, or money order.
- D. An applicant shall pay a reinstatement or duplicate license fee in cash, cashier's check, money order, or personal check.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 2668, effective June 8, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 2759, effective September 9, 2006 (Supp. 06-3). Amended by final rulemaking at 15 A.A.R. 1562, effective September 1, 2009 (Supp. 09-3).

ARTICLE 2. LICENSING

Article 2, consisting of R4-15-201 through R4-15-207, made by final rulemaking at 10 A.A.R. 2668, effective June 8, 2004 (Supp. 04-2).

R4-15-201. Qualifications; Application for a Regular License

- A. To meet the requirements in A.R.S. § 32-4222(B), an applicant who submits an application:
 1. Before January 1, 2008 shall complete 500 classroom hours of supervised instruction at a Board-approved school, and

2. On and after January 1, 2008 shall complete 700 classroom hours of supervised instruction at a Board-approved school.

- B. An applicant for a regular license shall meet the requirements in A.R.S. § 32-4222(A) and (B) and submit an application packet that contains:
 1. An application form that includes:
 - a. The applicant's name, date of birth, place of birth, social security number, residence and business addresses, and residence and business telephone numbers;
 - b. Each name or alias previously or currently being used by the applicant;
 - c. The applicant's name as it will appear on the license;
 - d. To satisfy the requirements in A.R.S. § 32-4222(A)(5):
 - i. If the applicant graduated from a high school, the date of graduation and name of the high school; or
 - ii. If the applicant received a general equivalency diploma, the date the general equivalency diploma was awarded;
 - e. The name and address of each Board-approved school attended by the applicant and dates of attendance;
 - f. If applicable, the applicant's national massage therapy certificate number and date of certification;
 - g. Whether the applicant has successfully completed the classroom hours of supervised instruction required under subsection (A) at a Board-approved school;
 - h. Whether the applicant has passed the examination administered by the NCBTMB;
 - i. Whether the applicant, within the five years before the date of the application, has been convicted of a felony or an offense involving moral turpitude or prostitution, solicitation, or a similar offense or entered into a plea of no contest and, if so:
 - i. Charged felony or offense;
 - ii. Date of conviction;
 - iii. Court having jurisdiction over the felony or offense;
 - iv. Probation officer's name, address, and telephone number, if applicable;
 - v. A copy of the notice of expungement, if applicable; and
 - vi. A copy of the notice of restoration of civil rights, if applicable;
 - j. Whether the applicant has within five years before the date of the application voluntarily surrendered a license under A.R.S. § 32-4254 or had a license to practice massage therapy or another similar license revoked by a political subdivision of this state or a regulatory board in another jurisdiction in the United States for an act that occurred in that jurisdiction that would be subject to discipline pursuant to this Chapter.
 - k. Whether the applicant is currently under investigation, suspension, or restriction by a political subdivision of this state or a regulatory board in another jurisdiction in the United States for an act that occurred in that jurisdiction that would be subject to discipline pursuant to this Chapter;
 - l. Whether the applicant has committed any of the actions or been subject to any of the actions listed in the definition of good moral character in R4-15-101;

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- m. Whether the applicant is requesting a temporary license; and
 - n. A notarized statement, signed by the applicant, stating: the information on the application form is true and correct;
 - 2. A completed and legible fingerprint card; and
 - 3. The fee required in R4-15-102.
- C.** In addition to the requirements in subsection (A), an applicant shall arrange to have directly submitted to the Board from the issuing entity:
- 1. A copy of the applicant's high school diploma or general equivalency diploma;
 - 2. Written verification of a passing score on the NCBTMB examination; and
 - 3. To show proof of completion of the classroom hours of supervised instruction at a Board-approved school required in subsection (A), academic transcripts from the Board-approved school from which the applicant graduated.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 2668, effective June 8, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 2759, effective September 9, 2006 (Supp. 06-3).

R4-15-202. Expired**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2668, effective June 8, 2004 (Supp. 04-2). Section expired under A.R.S. § 41-1056(E) at 15 A.A.R. 1941, effective October 31, 2009 (Supp. 09-4).

R4-15-203. Application for a License by Reciprocity

- A.** An applicant for a license by reciprocity shall meet the requirements in A.R.S. § 32-4223 and:
- 1. Submit an application form that contains the information in R4-15-201(A)(1)(a), (b), and (c) and:
 - a. If the applicant wishes to demonstrate that the applicant meets the requirements in A.R.S. § 32-4223(A)(1), the name of each state where the applicant was licensed continuously for five years immediately before the date of the application;
 - b. If the applicant wishes to demonstrate that the applicant meets the requirements in A.R.S. § 32-4223(A)(2), whether the applicant holds a current certification from the National Certification Board for Therapeutic Massage and Bodywork or another agency that meets the standards of the National Commission for Competency Assurance;
 - c. Whether the applicant has within five years before the date of the application voluntarily surrendered a massage therapy license or had a massage therapy license or another similar license revoked by a political subdivision of this state or a regulatory board in another jurisdiction in the United States for an act that occurred in that jurisdiction that would be subject to discipline in this state under this Chapter; and
 - d. A notarized statement, signed by the applicant, stating that the information on the application form is true and correct;
 - 2. If the applicant wishes to demonstrate that the applicant meets the requirements in A.R.S. § 32-4223(A)(1), submit a copy of the state's massage therapy statutes and rules and arrange to have verification of the license or certificate in the jurisdiction in the other state sent directly to the Board from the jurisdiction including:

- a. The license or certificate number issued to the applicant by the jurisdiction,
- b. Whether the jurisdiction has instituted disciplinary proceedings against the applicant or has unresolved complaints pending against the applicant, and
- c. Whether the license or certificate is in good standing.

- 3. If the applicant wishes to demonstrate that the applicant meets the requirements in A.R.S. § 32-4223(A)(2), arrange to have a verification of certification as a massage therapist sent directly to the Board from the National Certification Board for Therapeutic Massage and Bodywork or other agency that meets the standards of the National Commission for Competency Assurance;
- 4. Submit a completed and legible fingerprint card; and
- 5. Submit the fee required in R4-15-102.

- B.** In addition to the requirements in subsection (A), an applicant shall arrange to have directly submitted to the Board from the issuing entity:

- 1. A copy of the applicant's high school diploma or general equivalency diploma, and
- 2. Academic transcripts from the Board-approved school from which the applicant graduated.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 2668, effective June 8, 2004 (Supp. 04-2).

R4-15-204. Board-approved School

- A.** A massage therapy school or bodywork therapy school in this state that is offered by a community college or approved by the Arizona State Board for Private Postsecondary Education is a Board-approved school.
- B.** A massage therapy school or bodywork therapy school in another state that is approved by an agency similar to the Board for Private Postsecondary Education and that wishes to be a Board-approved school shall:
- 1. Have a program that meets requirements that are substantially equivalent to those imposed by the Board for Private Postsecondary Education in A.R.S. Title 32, Chapter 30 and 4 A.A.C. 39; and
 - 2. Submit an application packet to the Board that includes:
 - a. The name, address, and telephone number of the massage therapy school or bodywork therapy school;
 - b. The same information required by the Board for Private Postsecondary Education in R4-39-103(B); and
 - c. Documentation from the agency similar to the Board for Private Postsecondary Education that states the applicant meets the requirements of the agency.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 2668, effective June 8, 2004 (Supp. 04-2).

R4-15-205. Application for Renewal of a License

An applicant for a renewal license shall submit:

- 1. An application form that contains the applicant's:
 - a. Name,
 - b. Residence and practice addresses, and
 - c. Residence and practice telephone numbers;
- 2. The information required in R4-15-303; and
- 3. The fee required in R4-15-102(A).

Historical Note

New Section made by final rulemaking at 12 A.A.R. 2759, effective September 9, 2006 (Supp. 06-3).

R4-15-206. Reserved

R4-15-207. Licensing Time-frames

- A.** The overall time-frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is listed in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the overall time-frame. The substantive review time-frame shall not be extended by more than 25 percent of the overall time-frame.
- B.** The administrative completeness review time-frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is set forth in Table 1 and begins when the Board receives an application.
1. If the application packet is not complete, the Board shall send to the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the postmark date of the notice until the date the Board receives a complete application packet from the applicant.
 2. If an application is complete, the Board shall send a written notice of administrative completeness to the applicant.
 3. If the Board grants the license during the time provided to assess administrative completeness, the Board shall not issue a separate written notice of administrative completeness.
- C.** The substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the postmark date of the notice of administrative completeness.
1. During the substantive review time-frame, the Board may make one comprehensive written request for additional information or documentation. The time-frame for the Board to complete the substantive review is suspended from the postmark date of the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.
 2. The Board shall send a written notice of approval to an applicant who meets the qualifications and requirements in A.R.S. Title 4, Chapter 15 and this Chapter.
 3. The Board shall send a written notice of denial to an applicant who fails to meet the qualifications and requirements in A.R.S. Title 4, Chapter 15 and this Chapter.
- D.** The Board shall consider an application withdrawn if within 360 days from the application submission date the applicant fails to supply the missing information under subsection (B)(1) or (C)(1).
- E.** An applicant who does not wish an application withdrawn may request a denial in writing within 360 days from the application submission date.
- F.** If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the Board considers the next business day the time-frame's last day.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 2668, effective June 8, 2004 (Supp. 04-2).

Table 1. Time-frames (in Days)

Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Regular license R4-15-201	A.R.S. § 32-4222	180	90	90
Temporary License R4-15-201	A.R.S. § 32-4224	60	30	30
Provisional License R4-15-202	A.R.S. § 32-4222	180	90	90
License by Reciprocity R4-15-203	A.R.S. § 32-4223	120	60	60
Out-of-state School Approval R4-15-204	A.R.S. § 32-4228	120	60	60
Renewal License	A.R.S. § 32-4225	60	30	30

Historical Note

New Table made by final rulemaking at 10 A.A.R. 2668, effective June 8, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 2759, effective September 9, 2006 (Supp. 06-3).

ARTICLE 3. CONTINUING EDUCATION**R4-15-301. Required Continuing Education Hours**

- A.** During the two-year period immediately preceding license expiration, a licensee applying for a renewal license shall complete 25 hours or more of continuing education.
- B.** A licensee may complete a maximum of 12 continuing education hours from a correspondence or distance learning format to satisfy the requirement in subsection (A).

Historical Note

New Section made by final rulemaking at 12 A.A.R. 2759, effective September 9, 2006 (Supp. 06-3).

R4-15-302. Approval of Continuing Education

The following continuing education is approved by the Board:

1. Continuing education that is taught by an association, corporation, or organization:
 - a. Accredited by the National Commission for Certifying Agencies, or
 - b. Approved by the NCBTMB.
2. Continuing education sponsored by a massage therapy school or bodywork therapy school that is:
 - a. Affiliated with a community college located in this state, or
 - b. Approved by the Arizona State Board for Private Postsecondary Education;
3. Continuing education offered by a regionally accredited post-secondary institution in a state other than Arizona; or
4. Continuing education offered by an institution approved by a post-secondary educational entity as a massage therapy or bodywork therapy school in a state other than Arizona.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 2759, effective September 9, 2006 (Supp. 06-3).

R4-15-303. Documentation of Completion of Continuing Education

When renewing a license, a licensee shall submit with a renewal application documentation of completion of 25 hours of continuing education that includes:

1. The name of the licensee,
2. The title of the continuing education,
3. The subject matter of the continuing education,
4. The date of the continuing education,
5. The hours completed,
6. The location where the continuing education took place,
7. The name of the instructor providing the continuing education, and
8. The signature of the licensee.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 2759, effective September 9, 2006 (Supp. 06-3).

ARTICLE 4. REGULATORY PROVISIONS

R4-15-401. Rehearing or Review of Board's Decision

- A. Except as provided in subsection (F), a party who is aggrieved by a decision issued by the Board may file with the Board, not later than 30 days after service of the decision, a written motion for rehearing or review of the decision specifying the grounds for rehearing or review. For purposes of this Section and except as provided in A.R.S. § 41-1092.09(C), a decision is considered served when personally delivered to the party's last known address or mailed by certified mail to the party at the party's last known address or the party's attorney.
- B. A party filing a motion for rehearing or review under this Section may amend the motion at any time before it is ruled upon by the Board. Other parties may file a response within 15 days after the date the motion for rehearing or review is filed. The Board may require that the parties file supplemental memoranda explaining the issues raised in the motion and may permit oral argument.
- C. The Board may grant a rehearing or review of the decision for any of the following causes materially affecting the party's rights:

1. Irregularity in the proceedings of the Board, administrative law judge, or any abuse of discretion that deprived the party of a fair hearing;
 2. Misconduct of the Board or administrative law judge;
 3. Accident or surprise that could not have been prevented by ordinary prudence;
 4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
 5. Excessive or insufficient penalties;
 6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing; or
 7. That the findings of fact or decision are not supported by the evidence or are contrary to law.
- D. The Board may affirm or modify its decision or grant a rehearing or review to all or any of the parties on all or part of the issues for the reasons specified in subsection (C). An order modifying a decision or granting a rehearing or review shall specify the grounds for the rehearing or review and the rehearing or review shall cover only those matters specified.
 - E. No later than 30 days after a decision is issued by the Board, the Board may, on its own initiative, grant a rehearing or review of its decision for any reasons in subsection (C). An order granting a rehearing or review shall specify the grounds for the rehearing or review.
 - F. If the Board makes specific findings that the immediate effectiveness of the decision is necessary for the preservation of the public health and safety and determines that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Board may issue the decision as a final decision without an opportunity for a rehearing or review. If the Board issues the decision as a final decision without an opportunity for a rehearing or review, the aggrieved party may make an application for judicial review within the time limits permitted for an application for judicial review of the Board's final decision under A.R.S. § 12-904.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 2759, effective September 9, 2006 (Supp. 06-3).